

REMARKS

In the Office Action of October 18, 2005, claims 1-20 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application No. US 2002/0043926 A1 ("Takahashi et al.").

In response, Applicant respectfully asserts that each element of the independent claims 1, 8 and 14 is not disclosed in Takahashi et al. Consequently, the independent claims 1, 8 and 14 cannot be anticipated by Takahashi et al. Thus, Applicant respectfully requests that the independent claims 1, 8 and 14, as well as the dependent claims 2-7, 9-13 and 15-20, be allowed.

A. Patentability of Independent Claims 1, 8 and 14

The Office Action has rejected the independent claim 1 under 35 U.S.C. §102(b) as allegedly being anticipated by Takahashi et al. However, the independent claim 1 recites in part "*a light source that emits original light, the light source including a fluorescent layer having a property to convert some of said original light into first converted light*," which is not disclosed in Takahashi et al. Consequently, the independent claim 1 is not anticipated by Takahashi et al. Thus, Applicant respectfully requests that the independent claim 1 be allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The Office Action alleges on page 2 that the cited reference of Takahashi et al. discloses "a device (FIG. 1, item 1) for emitting composite output light, the device including a light source (FIG. 1, item 10) that emits original light, the light source including a fluorescent layer (FIG. 2, item 11) having a property to convert some of the original light into first converted light." Applicant respectfully disagrees with this analysis.

The cited reference of Takahashi et al. discloses an LED unit 1 that emits white light (paragraph [0066]). As correctly stated in the Office Action, the LED unit

1 of Takahashi et al. does include a light source, i.e., a light-emitting device (LED) 10 (paragraph [0067]). However, the LED 10 DOES NOT include "*a fluorescent layer*", as recited in the independent claim 1. The item 11 in Fig. 1 of Takahashi et al., which was cited in the Office Action as being "*a fluorescent layer*", is the substrate of the LED 10. This substrate 11 of the LED 10 is composed of Sapphire (see table in paragraph [0067]). Thus, the substrate 11 of the LED 10 is NOT a fluorescent layer, as asserted in the Office Action. Furthermore, the Sapphire substrate 11 does not have "*a property to convert some of said original light into first converted light*," as recited in the independent claim 1. Consequently, the cited reference of Takahashi et al. does NOT disclose the claimed "*light source*" of the independent claim 1. Therefore, Applicant respectfully asserts that the independent claim 1 is not anticipated by Takahashi et al., and requests that the independent claim 1 be allowed.

The above remarks are also applicable to the independent claim 14, which recites in part "*a semiconductor die that emits first light of a first peak wavelength, said semiconductor die including a fluorescent substrate having a property to convert some of the first light into second light of a second peak wavelength.*" Thus, Applicant respectfully asserts that the independent claim 14 is also not anticipated by Takahashi et al., and requests that the independent claim 14 be allowed as well.

The independent claim 8 recites in part "*generating original light within a light source*" and "*converting some of said original light into first converted light within said light source.*" As explained above, the Sapphire substrate 11 of the LED 10 described in Takahashi et al. is NOT a fluorescent layer. Thus, the Sapphire substrate 11 does not "convert" any light. Consequently, the cited reference of Takahashi et al. does not disclose "*converting some of said original light into first converted light within said light source,*" as recited in the independent claim 8. Thus, Applicant respectfully asserts that the independent claim 8 is not anticipated by Takahashi et al., and requests that the independent claim 8 be allowed.

B. Patentability of Dependent Claims 2-7, 9-13 and 15-20

Each of the dependent claims 2-7, 9-13 and 15-20 depends on one of the independent claims 1, 8 and 14. As such, these dependent claims include all the

limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Kee Yean Ng

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By: Thomas H. Ham
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300